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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

GENE PLYLEY,

No. C 12-05825 WHA

Plaintiff,

v.

MARLENE L. GRANGAARD,  
individually and as Trustee of the  
MARLENÉ L. GRANGAARD  
REVOCABLE LIVING TRUST, dba  
CLAM BEACH INN, aka CLAM DIGGER  
BAR, and DOES ONE to FIFTY, inclusive,

**ORDER RE PLAINTIFF'S  
APPLICATION FOR  
PERMISSION TO APPEAR AT  
MEDIATION BY TELEPHONE**

Defendant.

In connection with his application for permission to appear at mediation by telephone (Dkt. No. 32), plaintiff Gene Plyley is hereby ordered to submit a declaration under oath explaining in detail his inability to travel to San Francisco for the October 15 mediation. The fact that plaintiff is 77 years of age in and of itself does not prevent such travel. Nor does extreme fibromyalgia. The fact that there are "periods wherein he is so incapacitated he is even unable to leave his bed" does not answer whether on October 15, plaintiff will be able to leave his bed. Plaintiff's declaration must be filed by **NOON ON OCTOBER 10**.

**IT IS SO ORDERED.**

Dated: October 7, 2013.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE